

**REMARKS**

Claim 37 has been rejected by the Examiner under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is respectfully traversed.

As the Examiner will note, claim 37 has been amended in such a manner as to eliminate the Examiner's rejection as not containing proper antecedent basis. Accordingly, it is believed that this rejection has been eliminated.

Claims 2, 3, 24, 25, 29, 30, 36 and 38 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by Mayer et al., U.S. Patent 6,566,434B1. This rejection is respectfully traversed.

The Examiner's attention is directed to the fact that in the Applicants' opinion the Mayer et al. patent is not, in fact, prior art to the present application. Thus, it should be noted by the Examiner that the best possible date which can be relied upon by the Examiner with respect to the Mayer et al. patent is the filing date of the PCT application which is October 14, 1999. The PCT filing date of the present application is April 20, 1999 which is prior in time to that of the Mayer et al. patent such that the Mayer et al. patent is not prior art to the present application. Thus, in the absence of effective prior art against the claims of the present application, it is believed that claims 2, 3, 24, 25, 29, 30 and 36-38 are allowable. In any event, it is believed that the claims of the present application are patentably distinguishable over the subject matter of the Mayer et al. patent for all of the reasons set forth on pages 9 and 10 of the Applicants' response to the Examiner's previous Office Action letter.

Accordingly, reconsideration of the rejections and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/823,783  
Amendment dated January 5, 2007  
After Final Office Action of October 5, 2006

Docket No.: 0014-0201PUS2

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 5, 2007

Respectfully submitted,

By 

Joseph A. Kolasch

Registration No.: 22,463

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant